

103D CONGRESS  
1ST SESSION

# H. R. 3256

To provide for the registration of persons convicted of sex offenses against children.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1993

Mr. PETE GEREN of Texas introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for the registration of persons convicted of sex offenses against children.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Protection Act  
5       of 1993”.

6       **SEC. 2. REGISTRATION OF CONVICTED SEX OFFENDERS**

7                       **WHOSE VICTIMS ARE CHILDREN.**

8       (a) STATES TO REGISTER PERSONS CONVICTED OF  
9       SEX OFFENSES AGAINST CHILDREN.—

1           (1) IN GENERAL.—Each State shall establish  
2           and maintain a registration program under this sec-  
3           tion requiring persons convicted of a sex offense  
4           against a victim who is a child to register a current  
5           address and other information that the Attorney  
6           General deems relevant, with a designated State law  
7           enforcement agency for 20 years after being released  
8           from prison or otherwise being freed from detention  
9           after the conviction becomes final. Each State shall  
10          permit members of the public to inquire whether any  
11          registered offenders live in their vicinity and whether  
12          a named individual is so registered.

13          (2) ATTORNEY GENERAL TO ESTABLISH GUIDE-  
14          LINES.—The Attorney General shall establish guide-  
15          lines for State registration programs under this sec-  
16          tion.

17          (3) MANDATORY ELEMENTS OF GUIDELINES.—  
18          Such guidelines shall include provision for—

19                 (A) a requirement that the State obtain  
20                 the fingerprints, physical description, and cur-  
21                 rent photographs of each registered person;

22                 (B) annual updating of the information  
23                 contained in the registry by each registered per-  
24                 son;

1 (C) criminal penalties for failing to comply  
2 with the registration requirements; and

3 (D) a toll-free phone number through  
4 which residents of the State may make the in-  
5 quiries described in paragraph (1).

6 (b) STATES TO REPORT.—

7 (1) IN GENERAL.—Each State shall report to  
8 the Attorney General, in such form and manner as  
9 the Attorney General shall prescribe—

10 (A) information about each conviction for  
11 a sex offense against a victim who is a child;  
12 and

13 (B) the information on the registry that  
14 State is required to establish and maintain  
15 under subsection (a).

16 (2) ANNUAL SUMMARY OF CONVICTIONS.—The  
17 Attorney General shall publish an annual summary  
18 of convictions for sex offenses involving children,  
19 based on information reported under this section.

20 (c) SANCTION FOR NONCOMPLIANCE BY STATE.—If  
21 a State fails to comply with an obligation under subsection  
22 (a) or (b) during the period that begins 3 years after the  
23 date of the enactment of this Act, the allocation of funds  
24 under section 506 of title I of the Omnibus Crime Control  
25 and Safe Streets Act of 1968 (42 U.S.C. 3756) shall be

1 reduced by 25 percent, and the unallocated funds shall  
2 be reallocated to the States complying with those obliga-  
3 tions.

4 (d) BACKGROUND CHECKS.—

5 (1) IN GENERAL.—A State shall permit quali-  
6 fied entities to obtain from an authorized agency of  
7 the State a nationwide background check for the  
8 purpose of determining whether there is a report  
9 that a provider has been convicted of a background  
10 check crime.

11 (2) ATTORNEY GENERAL TO PROVIDE INFORMA-  
12 TION.—The Attorney General, in accordance with  
13 such rules and subject to such conditions as the At-  
14 torney General shall prescribe, shall provide to au-  
15 thorized agencies of States information possessed by  
16 the Department of Justice that would enable the  
17 agency to make the background check described in  
18 paragraph (1). In making such rules and setting  
19 such conditions, the Attorney General shall take care  
20 to assure—

21 (A) the currency and accuracy of the infor-  
22 mation; and

23 (B) that the States maintain procedures to  
24 permit providers to check and correct informa-  
25 tion relating to such providers.

1 (e) DEFINITIONS.—As used in this Act—

2 (1) the term “child” means a person who has  
3 not attained the age of 18 years;

4 (2) the term “sex offense” means a criminal of-  
5 fense which includes as a element conduct that is a  
6 sexual act or sexual conduct as defined in section  
7 2245 of title 18, United States Code;

8 (3) the term “State” includes the District of  
9 Columbia, Puerto Rico, and any other territory or  
10 possession of the United States;

11 (4) the term “authorized agency of the State”  
12 means the agency of the State the State designates  
13 to carry out the background checks described in sub-  
14 section (d);

15 (5) the term “qualified entity” means a busi-  
16 ness or organization of any sort that provides child  
17 education or child care or child education or child  
18 care placement services, including a business or or-  
19 ganization that licenses or certifies others to provide  
20 such services;

21 (6) the term “provider” means any person  
22 who—

23 (A) seeks or has contact with a child while  
24 that child is receiving care from a qualified en-  
25 tity; and

1           (B) seeks employment or ownership of a  
2           qualified entity; and

3           (7) the term “background check crime” means,  
4           with respect to a provider, any crime committed by  
5           that provider that, as determined under rules pre-  
6           scribed by the Attorney General, may affect the  
7           safety of children under the care of a qualified entity  
8           with respect to which that provider has a relation-  
9           ship described in paragraph (5).

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